

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, AUGUST 1, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
CHARLES OLIVER, MEMBER
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Commission was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made.

MOTION by AUSILIO seconded by THOEL to approve the agenda as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on July 18, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by OLIVER seconded by KOEHS to approve the minutes of the meeting of July 18, 2006 as presented.

MOTION carried.

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AGENDA ITEMS:

4. **Special Land Use; Baker's Square at Fountains of Macomb;** Located on the east side of Hayes Road, north of 21 Mile Road; Section 30; VICORP Restaurants, Petitioner. Permanent Parcel No. 08-30-354-022. (Tabled from July 5, 2006)

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of denial for the reasons listed in his special land use review.

Mr. John Carlin, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KOEHS seconded by ZOLNOSKI to approve with conditions the request for a Special Land Use to serve alcoholic beverages at Baker's Square Restaurant at the Fountains of Macomb; Permanent Parcel No. 08-30-354-022, based on the recommendations, as modified, of the Planning Consultants as follows:

1. That there will be beer and wine served only – no spirits to be served.
2. That all drinks of beer and wine will be served at the tables or bar only.
3. That the 5 person bar will not be expanded.
4. That the beer and wine will not be sold or served after 10:00 pm Sunday through Thursday, and beer and wine will not be sold or served after 11:00 pm on Friday and Saturday.
5. That no doors except the door on the south elevation of the building will be open to the public as an entrance. The other doors on the east and north elevation will be used as emergency egress only.

MOTION carried.

5. **Revised Site Plan; McDonald's;** Located on the north side of Hall Road, 1,300 feet west of Romeo Plank Road; Section 32; L & A Architects, Petitioner. Permanent Parcel 08-32-400-022. (Tabled from July 18, 2006)

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

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Mr. Steven Foster, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by AUSILIO seconded by KOEHS to approve the request for Revised Site Plan at McDonald's; Permanent Parcel 08-32-400-022, with the following conditions as recommended by the Planning Consultants:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).

4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.

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7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.

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15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination

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procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

25. That the speaker system planned by the petitioner will be removed from the proposal or that it be shown that any sounds emitting from it will not be heard by any abutting residential development.
26. That a 'Yield' sign be added at the southwest end of the island between the two drive through window lanes.

MOTION carried.

6. **Revised Site Plan;** Romeo Commons; Located on the north side of Hall Road, approximately 460 feet west of Romeo Plank Road; Section 32; Landus-JRG Acquisitions, Petitioner. Permanent Parcel No. 08-32-476-012

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of denial.

Mr. Gordon Wilson, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by KOEHS seconded by THOEL that the request for a Revised Site Plan at Romeo Commons be approved with the standard conditions and the following special condition:

That the site plan be revised to show clearly and in print, that the outside area on the north east corner of the site will not be used in any way for customer service or eating.

MOTION carried.

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7. **Final Plan for Stillwater Crossing Site Condominiums;** Located on the south side of 24 Mile Road, west of Fairchild Road; Section 13; Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-028.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Daniel Spatafora and Mr. Harry Trebrugen, representing the petitioner, were also present to answer any questions which the commission might have.

MOTION by AUSILIO seconded by ZOLNOSKI to approve the request for the Final Plan for the Stillwater Crossing Site Condominiums; Permanent Parcel No. 08-13-200-028 with the following conditions as recommended by the Planning Consultants:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
 - a) Macomb County Road Commission
 - b) Office of Public Works Commission of Macomb County
 - c) Macomb County Health Department
 - d) Macomb County Planning Commission
 - e) Michigan Department of Environmental Quality
 - f) All public utility companies affected
 - g) That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying to the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.

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6. **Flood Plain Map Amendments and/or Requirements.** Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreages, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the "landscape easement" that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed to within 3' of any paved areas.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).

10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.

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11. All street names must be cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The "Restrictive Covenants" must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The "Articles of Incorporation" must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

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This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

17. **The petitioner records the sketches for lots 312 and 464 showing that houses may be built on these lots without the need for variances.**

MOTION carried.

8. **Special Land Use for T-Mobile DECO #7988; Located on the northeast corner of 22 Mile Road and Heydenreich Road; Section 21; T-Mobile, Petitioner. Permanent Parcel No. 08-21-400-012.**

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of denial.

Mr. Jesse Styles, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by AUSILIO seconded by OLIVER to approve the request for Special Land Use for T-Mobile DECO #7988; Permanent Parcel No. 08-21-400-012, because the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a), as follows:

1. **The proposed use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
2. **The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
3. **The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**

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4. The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.
9. The ground equipment for this site shall not be required to be placed inside of a building.

MOTION carried.

9. **Site Plan for T-Mobile Deco #7988;** Located on the northeast corner of 22 Mile Road and Heydenreich Road; Section 21; T-Mobile, Petitioner. Permanent Parcel No. 08-21-400-012.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Jesse Stykes, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by OLIVER seconded by ZOLNOSKI to approve the request for Site Plan for T-Mobile Deco #7988; Located on the northeast corner of 22 Mile Road and Heydenreich Road; Section 21; T-Mobile, Petitioner. Permanent Parcel No. 08-21-400-012 with the standard conditions of the Planning Commission, including:

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1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11). No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the

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Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.

- 9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
- 10. That all signs be designated on the site plan and meet the Township requirements.**
- 11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
- 12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
- 13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**
- 14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.**
- 15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit two (2) plans on 11" x 17" paper.**
- 16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 17. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**

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18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
19. That all requirements of the Zoning Ordinance be met.
20. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
22. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

23. That the petitioner submit a revised plan indicating the driveway to be 24' wide and paved to the satisfaction of the Township engineer or that proper variances be obtained.

MOTION carried.

10. **Revised Site Plan for Metro PCS 1331A;** Located on the northwest corner of Hall Road and Tilch Road; Section 31; Metro PCS Michigan, Petitioner. Permanent Parcel No. 08-31-331-002.

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MOTION by AUSILIO seconded by THOEL to table the request for Revised Site Plan for Metro PCS 1331A; Permanent Parcel No. 08-31-331-002 to the Planning Commission meeting of August 15, 2006 to allow the property owner to remove any unapproved outside equipment from the site.

MOTION carried.

- 11. Special Land Use for T-Mobile Co-Location DECO #5057;** Located on the west side of Card Road and south of 22 Mile Road; Section 27; T-Mobile USA, Petitioner. Permanent Parcel No. 08-27-200-024.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval/denial.

Mr. Jesse Stykes, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KOEHS seconded by OLIVER to approve the request for Special Land Use for T-Mobile Co-Location DECO #5057; Located on the west side of Card Road and south of 22 Mile Road; Section 27; T-Mobile USA, Petitioner. Permanent Parcel No. 08-27-200-024.

- 1. The proposed use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
- 2. The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
- 3. The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**
- 4. The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate**

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development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.

- 5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.**
- 6. The proposed use is necessary for the public convenience at the proposed location.**
- 7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.**
- 8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.**
- 9. The ground equipment for this site shall not be required to be placed inside of a building.**

MOTION carried.

- 12. Site Plan for T-Mobile Co-Location DECO #5057;** Located on the west side of Card Road and south of 22 Mile Road; Section 27; T-Mobile USA, Petitioner. Permanent Parcel No. 08-27-200-024.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval/denial.

Mr. Jesse Stykes, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KOEHS seconded by ZOLNOSKI to approve the request for Site Plan for T-Mobile Co-Location DECO #5057; Permanent Parcel No. 08-27-200-024. with the standard conditions of the Planning Commission, including:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**

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2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11). No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.

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9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit two (2) plans on 11" x 17" paper.
16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
17. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
19. That all requirements of the Zoning Ordinance be met.

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20. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
22. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

23. That the petitioner submit a revised plan indicating the driveway to be 24' wide and paved to the satisfaction of the Township engineer or that proper variances be obtained.

MOTION carried.

13. **Temporary Ground Sign for West Park Estates;** Located on the north side of 25 Mile Road and ¼ mile east of Luchtman Road; Section 27; Crystal North, Petitioner. Permanent Parcel No. 08-04-300-005.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

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MOTION by OLIVER seconded by THOEL to approve the request for Temporary Ground Sign for West Park Estates; Permanent Parcel No. 08-04-300-005.

MOTION carried.

- 14. Request for Extension of Time;** Preliminary Plat, Lone Oak Estates Subdivision; Located on the North side of 22 Mile Road about 500 feet west of Card Road; Polaris Enterprises, Petitioner; Permanent Parcel Number 08-22-400-032.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by THOEL seconded by AUSILIO to recommend to the Board of Trustees to approve the request for request for extension of time for the Preliminary Plat, Lone Oak Estates Subdivision; Permanent Parcel Number 08-22-400-032, for a period of one year, too expire on August 1, 2007.

MOTION carried.

- 15. Request for Extension of Time;** Final Plan of Phase II of Strathmore Condominiums, Located on the south side of 25 Mile Road, 1050 feet east of Luchtman Road; Rosario Curcuru, Petitioner; Permanent Parcel Number 08-04-100-035.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by KOEHS seconded by THOEL to recommend to the Board of Trustees to approve the request for request for extension of time for the Final Plan of Phase II of Strathmore Condominiums; Permanent Parcel Number 08-04-100-035, for a period of one year, to expire on October 26, 2007.

MOTION carried.

- 16. Motion by AUSILIO supported by ZOLNOSKI to receive and file all correspondence in connection with this agenda.**

MOTION carried.

PLANNING CONSULTANTS COMMENTS - NONE

PLANNING COMMISSIONERS COMMENTS

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LSL Brick Presentation Request – Secretary Koehs read a letter from LSL Planning offering to come in and make a presentation on the benefits of brick.

Motion by AUSILIO supported by ZOLNOSKI to receive and file this correspondence.

MOTION carried.

ADJOURNMENT

MOTION by KOEHS seconded by OLIVER to adjourn the meeting at 9:09 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary